

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

DATE: June 28, 2005

TO: Tony Park, P.E., Director, Public Works Department
Gary W. Johnson, Director, Growth and Environmental Management

FROM: John Kraynak, Director, Environmental Compliance
Joe Bown, Director, Engineering Services

SUBJECT: Releasing Certificates of Occupancy in Public Subdivisions with Approved Performance Bonds

As directed, staff from Public Works and Growth and Environmental Management have collaborated to develop policies and procedures (attached) where certificates of occupancy (COs) can be released to homes in public subdivisions where the infrastructure has been determined to be substantially complete, and where a performance bond has been accepted to cover the construction costs associated with the incomplete infrastructure and other required permitted improvements.

Current land use regulations, as specified in Chapter 10, Section 10-362, Leon County Code, only allow for the issuance of temporary COs in subdivisions that have an approved performance bond. The enactment of the provisions of this code section allow many homes to be completed and occupied while a subdivision is under construction, but does not allow for the issuance of COs until all improvements have been completely constructed and accepted by the County. This situation can allow homes to have temporary COs for many months, and can have financial and resale consequences for the owners of these dwellings.

In order to implement the attached draft policy, Article VII (Environmental Management), Chapter 10, Sections 362 and 363, Leon County Code, will need to be amended to allow for the issuance of COs in public subdivisions that are considered substantially complete and have an approved performance bond, and to create a construction phase stormwater operating permit. The proposed construction phase operating permit would be an interim permit, where the stormwater system would still be the responsibility of the developer until the bonded improvements are complete. The final operating permit would be issued to the Leon County Public Works Department after the subdivision has been completed and the performance bond released.

After reviewing the proposed policy, direction is needed whether to pursue drafting ordinance revisions that would allow this policy to be implemented. Staff anticipates that a request to conduct the required Public Hearings could be brought to the Board by the September 13, 2005 meeting.

cc: Bob Bass – Inspection Supervisor - GEM
Charles Field – Chief of Construction Management – Public Works

Attachment: Policy and Procedures for Releasing Certificates of Occupancy in Public Subdivisions with Approved Performance Bonds

JB/JK/wsr

**LEON COUNTY GROWTH AND ENVIRONMENTAL MANAGEMENT
POLICIES AND PROCEDURES FOR RELEASING CERTIFICATES
OF OCCUPANCY IN PUBLIC SUBDIVISIONS WITH APPROVED
PERFORMANCE BONDS**

AUTHORITY

The Leon County Departments of Growth and Environmental Management (GEM) and Public Works have administrative authority over development and amendments to this policy.

SCOPE AND APPLICABILITY

This policy shall apply to public subdivisions that are under construction that have an approved performance bond for the final completion of approved infrastructure and associated permit conditions where the subdivision has been determined to be substantially complete by both Departments as determined by joint inspections.

OBJECTIVE

To allow the release of final certificates of occupancy for single family homes in public subdivisions where the infrastructure is substantially complete, but where some final infrastructure and/or permitted work is still required as long as an approved performance bond is in place to ensure the completion of the subdivision.

PROCEDURES

The following is criteria when certificate of occupancies can be issued for single family homes in public subdivisions that have been determined to be substantially complete by the Departments of Public Works and Growth and Environmental Management.

1. The plat and all associated easements have been recorded.
2. The performance bond amount is acceptable to Public Works and Growth and Environmental Management, and has been approved by the Board.
3. The stormwater system is functionally complete. This includes the stabilization of the stormwater pond(s) and any conveyances to the pond, and the installation of all control structures to ensure the system is functioning as designed.

Wet detention – The vegetation to be planted in association with a wet detention facility can be covered under the performance bond provisions until an agreed upon date certain at which time an evaluation of the build out percentage would occur to ensure that there is adequate stormwater available from the permitted impervious areas to support the required wet detention vegetation.

Landscaping associated with the screening of the stormwater facilities can be covered under the provisions of the performance bond.

4. All areas under the master stormwater permit excluding individually permitted single family homes must be stabilized.
5. Preliminary record drawings, a compliance report and a construction phase operating permit must be approved. At minimum, the preliminary record drawings will document the construction of the stormwater system as reflected in the approved Environmental Management Permit. The final record drawings for the subdivision will be approved by both Public Works and GEM when the subdivision is complete, and before the performance bond is released. These final record drawings will include all permitted improvements such as the roads, conveyance systems and stormwater management facilities.
6. The roadways and associated ingress and egress are substantially complete to the satisfaction of Public Works and GEM to ensure safe access to the residential structures in the subdivision.
7. The utilities have been constructed, completed, and accepted by the utility provider.
8. A coordinated environmental inspection by GEM inspection staff will be done with Public Works inspection staff if requested by Public Works before the release of the performance bond.
9. Once a performance bond has been released and the operating permit is assigned to Public Works, GEM inspection staff will conduct inspections of the storm water facility under routine operating permit inspection intervals.

EFFECTIVE DATE

TBD